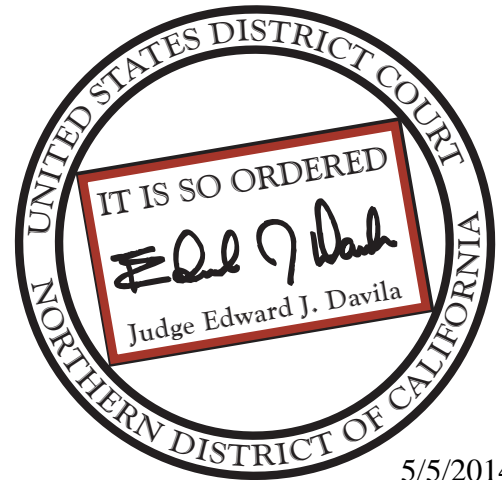


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5/5/2014

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Bay Area Surgical Group, Inc., et al.,

Plaintiffs,

v.

Aetna Life Insurance Company, et al.,

Defendants.

CASE NO. CV13-05430-EJD

**STIPULATION REGARDING DISMISSAL  
OF FULLY-INSURED PLANS AND CLAIMS  
WITH PREJUDICE**

Judge: Hon. Edward J. Davila

Trial Date: None Set

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1        *Whereas*, Plaintiffs Bay Area Surgical Group, Inc., et al. (“Plaintiffs”) have informed  
 2 Defendant Aetna Life Insurance Company and the Court that they intend to only pursue legal and  
 3 equitable claims related to ERISA-governed self-funded plans in this action the (“Federal Action”),  
 4 and pursue all legal and equitable claims related to fully-insured plans in the pending state action (the  
 5 “State Action”), referred to in Aetna’s motion to stay (DKT Nos. 329, 641);

6        *Whereas*, Plaintiffs have dismissed without prejudice from the Federal Action plan sponsor  
 7 defendants that sponsored fully-insured health plans;

8        *Whereas*, Aetna and Cross-Complainants in the State Action have stipulated to an amendment  
 9 of the Cross-Complaint in the State Action to include solely claims for benefits arising under fully-  
 10 insured plans;

11        *Whereas*, in light of Plaintiffs’ election to pursue legal and equitable claims related to fully-  
 12 insured plans solely in the State Action, Plaintiffs have agreed to dismiss *with prejudice* from the  
 13 Federal Action:

14        (1) plan sponsor defendants that Aetna has identified as sponsors of fully-insured plans and  
 15 for which Aetna has produced documentation showing the fully-insured nature of those plans,  
 16 including ADP Totalsource, Inc., Al-Razaq Enterprises Group Incorporated, Avidex Industries,  
 17 L.L.C., Barracuda Networks, Inc., Blue Coat Systems, Inc., Bonhams & Butterfields Auctioneers  
 18 Corporation, Bridge Capital Holdings, Cadence Design Systems, Inc., Canon Anelva Corp., Cepheid,  
 19 CordeValle L.P., Dell Inc., Duran & Venables, Inc., Dynamic Details Design, LLC., Echelon  
 20 Corporation, Emulex Corporation, Encore Industries, Ericsson Television, Inc., Farmers Insurance  
 21 Company, Inc., GCA Services Group, Inc., Hathaway Dinwiddie Construction Company, HGST,  
 22 Inc., Infotech Enterprises America, Inc., Innovion Corporation, Intevac, Inc., K.R. Anderson, Inc.,  
 23 LiveOps, Inc., Luminex Corporation, LVI Services, Inc., Microsemi Corporation, Natus Medical  
 24 Incorporated, NDS Surgical Imaging LLC, Oasis Outsourcing Holdings, Inc., Opticomp Corporation,  
 25 Pinnacle Bank, Pole to Win America, Semtech Corp., SRI International, Telenav, Inc., Tolt, LLC,  
 26 Vitesse Semiconductor Corporation, WPG Americas, Inc., Zetta, Inc., dba Delaware Zetta, which  
 27 were previously dismissed without prejudice; and  
 28

(2) any legal and equitable claims asserted against Aetna or other plan sponsor defendants insofar as they relate to claims for benefits made under any plan that Aetna identifies as being fully-insured.

DATED: April 30, 2014

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